

REMARKS

I. Introduction

Claims **19, 23, 26, 28-29, 49, 53-81, and 84-94** are currently pending in the present application. Claims **19, 49, 53, 64, 72, 76, 80-81, 84, and 90** are independent.

All pending claims stand *solely* rejected under 35 U.S.C. §112, first paragraph, as allegedly “containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Office Action, pg. 2, second paragraph from the bottom. More specifically, the Examiner states that all pending claims have been amended to recite the term “mystery product” and that such term “does not appear to be in the originally filed specification.” Office Action, pg. 2, last paragraph.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the remarks provided herein and in accordance with 37 C.F.R. §1.112.

II. Interview Summary

Initially, Applicants thank Primary Examiner Havan for speaking with Applicants’ undersigned representative on January 2, 2008 (hereinafter the “Interview”). In the Interview, Applicants’ representative requested assistance in interpreting the §112, first paragraph rejection set forth in the Office Action. In particular, Applicants’ representative was concerned that a mistake had been made, since the disputed term “mystery product” is explicitly recited sixty-four (64) times in the specification as filed, the first occurrence being on pg. 6, line 20.

The Examiner clarified and explained that the §112, first paragraph rejection was not intended as a rejection, but as a request for clarification as to where support for the term “mystery product” may be found in the originally filed specification. The Examiner stated that putting such requested clarification explicitly in the record of communication between the Examiner and Applicants would benefit the application upon allowance, which the Examiner indicated was imminent.

Accordingly, while Applicants feel that it is necessary to address the merits of the §112, first paragraph rejection herein to most appropriately clarify the record, Applicants request that the Examiner be directed to the sections of the specification as filed that are cited herein, and which provide more than a score of instances explicitly reciting the disputed term – “mystery product”. Applicants believe that these sections provide the clarification that the Examiner seeks, and at least for this reason, Applicants respectfully request that the §112, first paragraph rejection (or ‘request for clarification’ as more correctly coined by the Examiner) be withdrawn.

III. The Examiner’s 35 U.S.C. §112, first paragraph Ground for Rejection

All pending claims stand *solely* rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking written description for the term “mystery product.” Applicants respectfully traverse this ground for rejection as follows.

First, Applicants respectfully reiterate that in the Interview the Examiner stated that the §112, first paragraph rejection was solely intended as a request for Applicants to point to support for the term “mystery product” in the specification as filed. Applicants have provided evidence of such exemplary support herein.

At least for this reason, Applicants respectfully request that the §112, first paragraph rejection of the pending claims be withdrawn.

Second, despite the Examiner’s allegation that the term “mystery product” does not appear in the specification as filed, Applicants respectfully reiterate that the term “mystery product” is explicitly recited sixty-four (64) times in the specification as filed, the first occurrence being on pg. 6, line 20. An explanation of some embodiments related to “Mystery Product Vending Process Steps”, for example, is provided at pg. 13 through pg. 25, with reference to Figures 3-5B. The term “mystery product” is also explicitly recited as well as described in the Abstract of the originally filed specification.

Accordingly, as the Examiner is simply incorrect regarding the alleged lack of recitation of the term “mystery product” in the specification as filed, the Examiner has entirely failed to set forth a *prima facie* case for lack of written description. At least for this reason, Applicants respectfully request that the §112, first paragraph rejection of the pending claims be withdrawn.

Third, Applicants respectfully note that, despite the Examiner's assertion that "[all pending claims] have been amended to recite 'a mystery product'" (Office Action, pg. 2, last paragraph), none of claims **19, 23, 26, 28-29, 49, or 53-63** in fact recite the term "mystery product".

Accordingly, as none of claims **19, 23, 26, 28-29, 49, or 53-63** even recites the disputed term "mystery product", the Examiner has entirely failed to set forth a *prima facie* case for lack of written description with respect thereto. At least for this reason, Applicants respectfully request that the §112, first paragraph rejection of claims **19, 23, 26, 28-29, 49, or 53-63** be withdrawn.

IV. Conclusion

At least for the foregoing reasons, and at least because no valid ground for rejection of any claim stands on the record, it is submitted that all pending claims are in immediate condition for allowance, *or in form for appeal*, and the Examiner's early re-examination and reconsideration are respectfully requested.

If there remain any questions regarding the present application the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via e-mail at cfincham@walkerdigital.com, at the Examiner's convenience.

V. Fees and Petition for Extension of Time to Respond

While no fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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